

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

APPLETON PAPERS INC. and
NCR CORPORATION,

Plaintiffs,

v.

No. 08-CV-16-WCG

GEORGE A. WHITING PAPER COMPANY, et al.,
Defendants.

**PLAINTIFF APPLETON PAPERS INC.'S MOTION TO RECONSIDER
THE COURT'S CONCLUSION THAT API'S LIABILITY UNDER
CERCLA IS UNCONTESTED**

Plaintiff Appleton Papers Inc. ("API") by its undersigned counsel, respectfully moves the Court pursuant to Rule 54(b) of the Fed. R. Civ. P. and Eastern District Civil Local Rule 7, for reconsideration of the Court's conclusion in its March 1 Decision and Order that API's liability under CERCLA is uncontested (Dkt. 1080, p. 14).

API respectfully submits that the Court overlooked API's position, because API has consistently denied that it has liability under CERCLA. Moreover, API contested its liability when Defendants filed motions for summary judgment on their counterclaims. The grounds for this motion are set forth in detail in the Memorandum Of Plaintiff Appleton Papers Inc. In Support Of Motion To Reconsider The Court's Conclusion That API's Liability Under CERCLA Is Uncontested, which is being contemporaneously filed on this date.

Dated this 29th day of March, 2011.

Respectfully submitted,

APPLETON PAPERS INC.

s/ Ronald R. Ragatz

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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2011, I electronically filed the Plaintiff Appleton Papers Inc.'s Motion To Reconsider The Court's Conclusion That API's Liability Under CERCLA Is Uncontested using the ECF system, which will send notification of such filing by operation of the Court's electronic systems. Parties may access this filing via the Court's electronic system.

s/ Ronald R. Ragatz
Ronald R. Ragatz